PUBLIC (GENERAL-B) (1948) Department.

MS. SERIES.

G.O. No. 521

Dated 4th March, 1948.

[Despatch Abstract.]

LEGISLATIVE COUNCIL QUESTION - SERVICE ASSOCIATIONS - CONDITIONS FOR RECOGNITION & PAPERS RECORDED.

SERVICE ASSOCIATIONS

*187 Q:-Sri R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state:-

(a) the condition on which recognition is accorded to Service Associations such as the Madras Secretariat Association and the Non-Gazetted Officers' Association;

(b) whether these associations are precluded from representing the grievances of its members and seeking redress;

(c) whether such representation of grievances is against Government Servants' Conduct Rules;

(d) if so, what is the source to which Government look for information to ascertain the contentment or discontent existing among their employees; and

(e) whether the Madras Secretariat Association has been threatened with disciplinary action for the alleged offence of leakage of information in the Press on the ballot of 'direct action' taken by the Association?

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "(a) பப்ளிக் சர்வீஸ் சம்பந்தமான 1938ம் ஆண்டு ஜூன் மாதம் 30 தேதியுள்ள ஜீ. ஓ. நெம்பர் 1116 இங்கே கிண்டு சபை மேஜையின் மேல் வைக்கப்பட்டிருக்கிறது.

"(b) கிடையாது.

"(c) கிடையாது.

"(d) இதன் கீழ் வராது.

"(e) ஆம்."

((a) A copy of G.O.No.1116, Public (Services), dated 30th June 1938, is laid on the table of the House.

(b) The answer is in the negative.

(c) The answer is in the negative.

(d) This does not arise.

(e) The answer is in the affirmative.

Sri R. SURYANARAYANA RAO:-"May I know with reference to clause 3 in the Government Order placed on the table of the House, which says 'Every Government employee of the same class must be eligible for membership of the association, what is meant by the same class; is it a class or category of grade?"

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "அதைப் பற்றி தனி இதன்கீழ் இலாகாவின் பிரதி ஒன்று வைத்திருக்கிறேன்."

Sri R. SURYANARAYANA RAO:-"Are the Government aware that associations of public servants are also registered under the Trade Unions Act in the United Kingdom as well as in the neighbouring island of Ceylon?"

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "எனக்கு தெரியாது"

Sri R. SURYANARAYANA RAO:-"Are Government aware that except when having a political objective or for lending support to workers outside the publis serivce, recognition cannot be withdrawn if the strike is in relation to objects affecting public servants?"

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "கிடையாது."

Sri R. SURYANARAYANA RAO:-"May I take it whether the public servants if they strike to further their own interest Government are not justified in withdrawing recognition of their own Association?"

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "அவர்களுடைய நடவடிக்கை கண்டிக்கத்தக்கது"

Sri R. SURYANARAYANA RAO:-"May I know whether there are any rules - I do not see anything here in the ற்ற paper laid on the table of the House - to say, under what circumstances Government will be forced to withdraw recognition of the Association"?

The Hon. Sri O.P. RAMASWAMI REDDIYAR:- "அவர்களுடைய நடவடிக்கை கண்டிக்கத்தக்கது"

Sri R. SURYANARAYANA RAO:-"May I know whether there is any proposal to establishment councils on the model of the Whitely Councils with regard to public services?"

The Hon. Sri. O.P. Ramasamy Reddiar: - "இல்லை"

APPENDIX I.

(Vide answer to starred question No.187 asked by Sri R. SURYANARAYANA RAO at the meeting of the Legislative Council held on the 17th December, 1947, page 193 supra)

G.O.No.1116, Public (Services), dated 30th June 1938.

(Service Associations - Recognition by Government - Revised instructions - Issued.)

The rules regarding recognition of association of Government employees other than industrial employees now in force are those issued by the Government of India and recorded in G.O.No.1038, Public (Services), dated 9th October, 1934. As after the coming into force of the Government of India Act, 1935, the Central Government are not competent to issue any instructions relating to associations of persons serving in connexion with the affairs of a Province, the rules referred to above cannot any longer apply to associations of employees of this Government. The Government of Madras are accordingly pleeased to issue instructions on the subject. These are annexed to this order and will supersede the rules in the above Government Order.

ANNEXURE.

Instructions regarding the recognition by the Government of Madras of Associations of their Employees other than association of industrial employees.

Definition: In these instructions, "Government" means the Government of Madras".

PART A:-Associations of Government employees serving in the Departments of Government other than those in the Police and Jail departments.

1. Government are prepared to accord official recognition to associations of their employees which comply with the conditions set out below;

2. The association must ordinarily consist of a distinct class of Government employees.

3. Every Government employee of the same class must be eligible for membership of the association.

4. Ordinarily Government will not object to persons who are not in the active service of Government being office-holders of the association, but Government reserve the right in particular cases to refuse recognition to associations of which all the office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents.

5. Representations from such associations, whether made orally by deputation or presented in writing, may be received by Government officers notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants.

Provided that:-

(a) no representations or deputations will be received except in connexion with a matter which is, raises questions which are of common interest to the class represented by the associations; and

(b) nothing in these instructions affect the discretion of the Governor, the head of a department or any other officer of Government to receive nor not to receive a deputation from any association

6. Recognition is accorded for the purpose of enabling the employees of Government to communicate their needs to Government or to Government officers, and it may be withdrawn if the members adopt other methods of ventilating those needs.

7. Government may require the regular submission, for their information, of copies of the rules of the association and the annual statement of its accounts and of lists of its members.

8. Government may specify the channel through which representations from the association shall be submitted and the authority by whom deputations may be received.

9. The officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognized association to attend duly constituted meetings of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge.

Part B: Associations of employees in the Police and Jail Departments.

The instructions in Part (A) shall be applicable to association of employees in the Police and Jail departments with the following modifications:-

Instruction 2: To this instruction the following sentence shall be added at the end, namely:-

"The association shall also consist of such distinct rank or ranks of employees as Government may prescribe, provided that Government may accord recognition to particular associations of specified ranks of employees in the Police department of which specified ranks of employees in the Excise department are also members".

Instruction 4. For this instruction, the following instruction shall be substituted, namely:-

"4. No person who is not in the active service of Government or an honourably retired officer belonging to the same class of Government employees shall be an office-holder of the association".

Instruction 5. For proviso (a) to this instruction, the following proviso shall be substituted, namely:-

"(a) No representation or deputation will be received on questions of discipline or of promotion affecting individuals; but representations or deputations may be received in connexion with any other matter which is, or raises questions which are, of common interest to the class represented by the association".

Instruction 7.
Insertion 8. To this instruction, the following sentence shall be added at the end, namely:-

"No rule of the association shall be valid until it has received the approval of Government and Government may from time to time require the modifications or a rule or prposed rule in a particular manner".

/TRUE COPY/

OFFICE ASSISTANT,
Madras Record Office.

14/12

PUBLIC (GENL.B) DEPARTMENT

The question was answered on 17-12-1947 - vide page 9 infra. The printed proceedings may be awaited. This may lie over till 15-1-1948.

Sd. x x x
18-12-1947

May continue to lie over till 25-2-1948.

Sd. x x x
15-1-1948.

The printed proceedings have not yet been received. This may continue to lie over till 1-4-1948.

Sd. x x x
24-2-48.

Please see the printed proceedings of the Legislative Council at pages 13-19 infra. No further action is called for. The Papers may now be recorded in a G.O. for future guidance.

Sd. x x x
4-3-1948.

G.O.Ms.No.521, dated 4-3-48.

Abstract:

L.C. . Service Associations - condition for recognition etc. - Papers Recorded.

Sd. x x x
Chief Secretary to Government.

/TRUE COPY/

R. Thiagarajan 21-1-54
Office Assistant

Rs/27/11/

M. R. O